

**Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

**Conditional Major
AIR QUALITY PERMIT**

Permittee Name: Owls Head Alloys, Incorporated
Mailing Address: 187 Mitch McConnell Drive, Bowling Green, Kentucky
42101

Source Name: Owls Head Alloys, Incorporated
Mailing Address: Same as Above

Source Location: 187 Mitch McConnell Drive, Bowling Green, Kentucky
42101

Permit Number: F-01-037 (Revision 1)
Log Number: 53844 (Original), 54618 (Revision 1)
Review Type: Construction and Operating, Conditional Major
KYEIS ID #: 21-227-00135
SIC Code: 3341

Regional Office: Bowling Green Regional Office
1508 Western Avenue
Bowling Green, Kentucky 42104-3356
(270) 746-7475

County: Warren

Application
Complete Date: October 15, 2001 (Original)
July 19, 2002 (Revision 1)
Issuance Date: February 5, 2002
Revision Date: July 25, 2002
Expiration Date: February 5, 2007

**John S. Lyons, Director
Division for Air Quality**

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction and operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

01 (01) Oxy/Fuel Tilting Rotary Furnace

Description: The rotary furnace has a rated process weight for melting aluminum scrap of 7.4 tons/hour. The furnace will be fluxed with NaCl and KCl at 3% of the charge rate. Attached to the furnace's exhaust is a lime-injected bag filter for the removal of particulates and acid-gases. Construction commenced: October 15, 2001

APPLICABLE REGULATIONS:

40 CFR part 63, Subpart RRR-National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production
401 KAR 59:010, New Process Operations

1. Operating Limitations:

- a. Maintain the 3-hour block average inlet temperature for each fabric filter at or below the average temperature established in the performance test, plus 14° C (25° F). [40 CFR 63.1506(m)(3)]
- b. Maintain free-flowing lime in the hopper to the feed device at all times and maintain the lime feeder setting at the same level as established during the performance test. [40 CFR 63.1506(m)(4)]
- c. Maintain the total reactive flux injection rate for each operating cycle or time period used in the performance test at or below the average rate established during the performance test. [40 CFR 63.1506(m)(5)]
- d. David Bradford, Incorporated shall post and maintain easily visible labels at the furnace and fluxing unit that identifies the applicable emission limits and means of compliance, including;
 - (i) the type of affected source or emission unit;
 - (ii) the applicable operational control standards and control methods. This includes but is not limited to the type of charge to be used for a furnace, flux, materials and addition practices, and the applicable operating parameter and requirements as incorporated in the OM&M plan.

2. Emission Limitations:

The permittee shall not exceed the following limits:

- a. 15 µg of D/F TEQ per Mg (2.1×10^{-4} gr of D/F TEQ per ton) of feed/charge [40 CFR 63:1505 (i)(3)].
- b. 0.20 kg of HCl per Mg (0.40 lb of HCl per ton) of feed/charge or 10% of the uncontrolled HCl emissions by weight [40 CFR 63:1505 (i)(4)].
- c. 12.4 lbs per hour of particulates [401 KAR 59:010].
- d. 20 % opacity of visible emissions as determined by Reference Method 9 of Appendix A to 40 CFR 60, filed be reference in 401 KAR 59:010.
- e. HCl may not exceed 9.5 tons per year, by rolling 12 month total.
- f. Combined HAPs totals may not exceed 22.5 tons per year, by rolling 12 month total.

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. Emission Limitations : (Continued)

Compliance Demonstraion:

For Particulate Emissions:

Particulate emissions (lbs/hr) = Monthly Production rate x Emission factor from KYEIS/(Hours of operation in the month)

For HCl and D/F:

$$\text{Rolling 12 Month Emission (tons/yr)} = \sum_{n=1}^N [(P_n \times E_n) / 2000]$$

Where

P_n = Process Rate in tons/month

E_n = HCl or D/F emission factor

N = 12 months per year

3. Testing Requirements:

- Show compliance with the particulate matter allowable.
 - Determine an emission factor for HCl emissions.
 - Determine the amount of lime needed to control HCl emissions.
 - Determine the max amount of chlorine flux need for the furnace.
 - Determine the fabric filter inlet temperature.
 - Determine an emission factor for D/F at the outlet of the control device.
 - Determine the scrap charge and constituents that will be representative of the normal process operations.
1. To determine the requirements listed above the permittee shall comply with the following procedures:
 2. During the compliance test, record the lime feeder setting used during each run. The setting should be the same for each run, and it will be the setting used for the daily operation of the baghouse.
 3. During each run of the compliance test, David Bradford, Incorporated must use these procedures to establish an operating parameter, value, or range for the total reactive chlorine flux injection rate.
 - a. Record the identity, composition, and total weight of each addition of solid reactive flux for the 3 test runs;
 - b. Determine the total reactive chlorine flux injection rate by adding the recorded measurement of chlorine in the gaseous or liquid reactive flux injected and the total weight of chlorine in the solid reactive flux using the equation below:

$$W_t = F_1 W_1 + F_2 W_2$$

Where,

W_t = Total Chlorine Usage, by weight;

F_1 = Fraction of gaseous or liquid flux that is chlorine;

W_1 = Weight of reactive flux gas injected;

F_2 = Fraction of solid reactive chloride flux that is chloride;

W_2 = Weight of the solid reactive flux.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- c. Divide the weight of total chlorine usage (Wt) for the 3 test runs by the recorded measurement of the total weight of feed for the 3 test runs;
 - d. If a solid reactive flux other than magnesium chloride is used, David Bradford must derive the appropriate proportion factor subject to approval by the division.
4. During each run of the compliance test, record the fabric filter inlet temperature in 15-minute block averages and calculate and record the average temperature for each 3-hour block period.
5. During the compliance test, David Bradford, Incorporated must conduct each test while the affected source or emission unit is operating at the highest production level with charge materials representative of the range of materials processed by the unit and at the highest reactive fluxing rate.
6. During the compliance tests David Bradford must conduct performance tests to measure the emissions of PM and D/F at the outlet of the control device.
7. After the conclusion of the test and upon approval of the test report the above limits shall be monitored by David Bradford, Incorporated to ensure continuous compliance. Any violations of the limits shall be reported to the Division's Bowling Green Regional Office immediately.

Please refer to Section G-General Conditions, Subsection (d) Construction, Start-up, and Initial Compliance Demonstration Requirements for further requirements. All testing methods and procedures shall be approved by the Division before carrying out the tests.

4. Specific Monitoring Requirements:

In accordance with 401 KAR 52:030:

- a. The HCl emissions as rolling 12-month totals using the equation shown under "Emission Limitations" above.
- b. The monthly hours of operation and process rate for the furnace for the same operating cycle or time period used in the performance test;
- c. Annual inspection of emission capture and collection system;
- d. Once per every 8 hours inspect lime injection device to confirm settings are the same as those used in the performance test.
- e. The total reactive chlorine injection flux rate, by weight, for each 15-minute block period, during which reactive fluxing occurs, over the same operating cycle or time period used in the performance test;
- f. Visible emissions on a annual basis using EPA Reference Method 9 for 3 six-minute runs consistent with the 40 CFR 60 Appendix A;
- g. Fabric filter inlet temperature in 15-minute block averages and calculate and record the average temperature for each 3-hour block period;
- h. Once per month the labels shall be inspected to confirm that labels are intact and legible.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

4. Specific Monitoring Requirements: (Continued)

In accordance with 40 CFR 63.1510 (w), David Bradford may submit an application to the Division for approval of alternate monitoring requirements to demonstrate compliance with the emission standards of Subpart RRR, subject to the provisions of paragraphs 63,1510 (w)(1) through (6).

5. Specific Recordkeeping Requirements:

David Bradford, Incorporated is required to keep records of all monitoring required in “Specific Monitoring Requirements” above.

6. Specific Reporting Requirements:

The permittee shall report an exceedence of the HCl emission limit as stated in this permit to the regional Bowling Green office within three days. Following an exceedence, the permittee shall submit for a period of 12 months, reports containing the monthly and 12 month rolling average HCl emissions within 30 days of the end of each calendar month. Any violations of the operating limits that were established based on the compliance test’s results shall be reported to the Division’s Bowling Green Regional Office as soon as possible (immediately during regular business hours, at the beginning of the following business day for violations occurring after normal business hours).

7. Specific Control Equipment Operating Conditions:

Free flowing lime must be maintained in the silo and/or feed hopper by inspection every eight (8) hours with documentation. The lime injection rate must be equal or higher then during the compliance stack test. Record this rate in 15 minute block averages, calculate 3 hour block averages using a weight measuring device and documenting the rate in lbs/hr or lbs/ton aluminum.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

02 (03) Paved Storage Area

Description: David Bradford brings in aluminum scrap in the form of used beverage cans (UBF). UBF is stored in both covered and uncovered storage bundles.

APPLICABLE REGULATIONS:

401 KAR 63:010, Fugitive emissions.

1. Operating Limitations :

The permittee shall take reasonable precaution to prevent fugitive dust emissions from becoming airborne. Visible dust emissions beyond the property line are prohibited.
[401 KAR 63:010]

2. Emission Limitations :

None

3. Testing Requirements:

None.

4. Specific Monitoring Requirements:

None.

5. Specific Recordkeeping Requirements:

None.

6. Specific Reporting Requirements:

None.

7. Specific Control Equipment Operating Conditions:

None.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

03 (04) Dross and Salt Cake Handling/Storage

Description: The dross and salt cake byproduct is assumed to be about 10% of the charge. For interim storage (before the material is shipped to an appropriate landfill) the permittee provides an enclosed area approximately 900 square feet in size. The building is covered by a hood that is attached to the baghouse associated with Emission Point #01 (EP1).

APPLICABLE REGULATIONS:

401 KAR 63:010, Fugitive emissions.

401 KAR 53:010, Ambient air quality standard.

1. Operating Limitations :

- a) The permittee shall take reasonable precautions to prevent fugitive dust emissions from becoming airborne. Visible fugitive dust emissions beyond the property lines are prohibited [401 KAR 63:010]
- b) The permittee shall take reasonable precautions to prevent ammonia emissions from being detected beyond the property line. [401 KAR 53:010]

2. Emission Limitations :

None

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

None

5. Specific Recordkeeping Requirements:

None

6. Specific Reporting Requirements:

None

7. Specific Control Equipment Operating Conditions:

None

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Paved Haul Road and Yard Area	401 KAR 63:010

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the material incorporated by reference in 401 KAR 52:030 Section 10, compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Particulate emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.
3. Plant wide emissions of HCl shall not exceed 9.5 tons per year.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)(1) of the materials incorporated by reference in 401 KAR 52:030 Section 10, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place (as defined in this permit), and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Pursuant to Section 1b (IV)(1) of the materials incorporated by reference in 401 KAR 52:030 Section 10, records of all required monitoring data, support information (including calibrations, maintenance records, and original strip chart recordings), and reports required by the Division for Air Quality shall be retained by the permittee for a period of five years. In accordance with Section 1a (7) of the materials incorporated by reference in 401 KAR 52:030 Section 10 and 401 KAR 52:030 Section 3(1)(f)1a, these records shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
3. In accordance with the requirements of 401KAR 52:030 Section 3(1)(f) the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Access and copy any records required by this permit, enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation; and
 - b. Sample or monitor substances or parameters that affect compliance with the permit or any applicable requirements.Reasonable times include all hours of operation, normal office hours, and during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due prior to January 30th and July 30th of each year. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
8. Pursuant to Section 1b V(3) and (4) of the material incorporated by reference in 401 KAR 52:030 Section 10, the owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.5.
9. Pursuant to 401KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Regional Office listed on the front of this permit in accordance with the following requirements:
 - a. Identification of each term or condition of the permit that is the basis of the certification;
 - b. The compliance status regarding each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent; and
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the year covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- f. The certification shall be postmarked by January 30th of each year. **Annual compliance certifications should be mailed to the following addresses:**

**Division for Air Quality
Bowling Green Regional Office
1508 Western Avenue
Bowling Green, KY 42104**

**Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601**

10. In accordance with 401KAR 52:030, Section 3(1)(d), the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee. If a KEIS emission report is not mailed to the permittee, comply with all other emission reporting requirements in this permit.
11. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by 401KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.
12. The cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
- a. The owner or operator shall submit to the cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
 - i. The size and location of both the original and replacement units; and
 - ii. Any resulting change in emissions;
 - b. The PTE of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
 - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
 - d. The replacement unit shall comply with all applicable requirements; and
 - e. The source shall notify Regional office of all shutdowns and start-ups.
 - f. Within six (6) months after installing the replacement unit, the owner or operator shall:
 - i. Re-install the original unit and remove or dismantle the replacement unit; or
 - ii. Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit. [Section 1a (2) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
2. Notification by the permittee of a planned change or anticipated noncompliance, or filing of a request for any permit revision, reissuance, or rescission shall not stay any permit condition. [Section 1a (5) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
3. Pursuant to Section 1a (2) of the materials incorporated by reference in 401 KAR 52:030 Section 10, 401 KAR 52:030 Section 7(3), and 401 KAR 50:060 Section 2, this permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401KAR 52:030 Section 12;
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish upon request information requested by the division to determine compliance with the permit or to determine if cause exists for modifying, revoking and reissuing, or terminating the permit. [Sections 1a (6) and (7) of the materials incorporated by reference in 401 KAR 52:030 Section 10]

SECTION G - GENERAL PROVISIONS (CONTINUED)

5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority. [401 KAR 52:030 Section 7(1)]
6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [Section 1a (11) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [Section 1a (3) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States. [Section 1a (12)(b) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6). [Section 1a (9) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 52:030 Section 11(3)]
11. This permit does not convey property rights or exclusive privileges. [Section 1a (8) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
15. Permit Shield – A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - (a) Applicable requirements that are included and specifically identified in this permit; and
 - (b) Non-applicable requirements expressly identified in this permit.

SECTION G - GENERAL PROVISIONS (CONTINUED)

16. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the division. [401 KAR 52:030 Section 3(1)(c)]
17. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the division after the completeness determination has been made on any application, by whatever deadline the division sets. [401 KAR 52:030 Section 8(2)]
18. All previously issued construction and operating permits are hereby subsumed into this permit.

(b) Permit Expiration and Reapplication Requirements

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division. [401 KAR 52:030 Section 12]

(c) Permit Revisions

1. Minor permit revision procedures specified in 401 KAR 52:030 Section 14 (3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14 (2).
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

1. Construction of process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.

SECTION G - GENERAL PROVISIONS (CONTINUED)

2. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the division's Frankfort Central Office, notification of the following:
 - a. The date when construction commenced.
 - b. The date of start-up of the affected facilities listed in this permit.
 - c. The date when the maximum production rate specified in the permit application was achieved.
3. Affected facilities that are not completed in accordance with 401 KAR 52:030 Section 3(2) shall lose the construction and operation authorization granted in this permit. Accordingly:
 - a. Construction shall commence no later than 18 months after the date of issue of this permit;
 - b. Construction shall not begin and discontinue for 18 months or more unless the construction authorized is approved as a phased project;
 - c. Construction shall be completed within 18 months of the scheduled completion date; and
 - d. Each phase of a phased construction project shall commence construction within 18 months of the projected and approved commencement date.Upon a written request, the division may extend these time periods if the source shows good cause.
4. Operation of the affected facilities for which construction is authorized by this permit shall not commence until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055, except as provided in Section I of this permit.
5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance test for HCl and D/F on emission point 01(Titled Rotary Furnace) in accordance with 401 KAR 50:055, General compliance requirements. These performance tests must be conducted in accordance with General Provision G(d)6 of this permit and the permittee must also furnish a written report of the results of such performance tests to the division's Frankfort Central Office.
6. Pursuant to Section VII 2.(1) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), at least one month prior to the date of the required performance test, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the division's Frankfort Central Office. Pursuant to 401 KAR 50:045, Section 5, the division shall be notified of the actual test date at least ten (10) days prior to the test.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(e) Acid Rain Program Requirements

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply and both shall be state and federally enforceable.

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - d. The permittee notified the division as promptly as possible and submitted written notice of the emergency to the division within ten (10) working days of the time when emission limitations were exceeded due to the emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.
2. Notification of the division does not relieve the source of any other local, state or federal notification requirements.
3. Emergency conditions listed in General Provision G(f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement. [401 KAR 52:030 Section 23(3)]
4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 52:030 Section 23(2)]

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346

2. If requested, submit additional relevant information by the division or the U.S. EPA.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.